

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Formal Complaint of
Dial Mark LLC vs. XO Communications

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DOCKET NO. 05-2208-01

REPORT AND ORDER DISMISSING
COMPLAINT

ISSUED: November 9, 2005

By the Commission:

On August 26, 2005, Complainant Dial Mark, LLC filed a formal complaint against Respondent XO Communications claiming Respondent had overbilled Complainant's account throughout 2004 and 2005. On September 27, 2005, Respondent filed its Response denying Complainant's allegations and requesting dismissal. On November 8, 2005, Complainant sent an email to the Division of Public Utilities ("Division") informing the Division that the parties had reached a settlement regarding the disputed bills.

Wherefore, based upon the foregoing information, and for good cause appearing, the Administrative Law Judge enters the following proposed

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The complaint filed herein is dismissed.

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2. Pursuant to Utah Code §§ 63-46b-12 and 54-7-15, agency review or rehearing of this order may be obtained by filing a request for review or rehearing with the Commission within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code §§ 63-46b-14, 63-46b-16 and the Utah Rules of Appellate Procedure.

DATED at Salt Lake City, Utah, this 9th day of November, 2005.

/s/ Steven F. Goodwill
Administrative Law Judge

Approved and Confirmed this 8th day of November, 2005, as the Report and Order of the Public Service Commission of Utah.

/s/ Ric Campbell, Chairman

/s/ Ted Boyer, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary

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